

SANTA FE PACIFIC RAILROAD COMPANY *v.*
WORK, SECRETARY OF THE INTERIOR.

APPEAL FROM THE COURT OF APPEALS OF THE DISTRICT OF
COLUMBIA.

No. 302. Argued March 18, 19, 1925.—Decided April 13, 1925.

1. The construction of a law of the United States was "drawn in question by the defendant" within the meaning of § 250, par. 6 of the Judicial Code permitting appeals to this Court from the Court of Appeals of the District of Columbia, where the Secretary of the Interior, as defendant, secured the dismissal of plaintiff's bill upon the ground that the lieu land selection in controversy was not permitted by an Act of Congress. P. 515.
2. Under the Act of June 22, 1874, providing that railroads may relinquish lands appertaining to their land grants which are found in possession of actual settlers, etc., and select an equal quantity of other lands in lieu thereof from any of the public lands "not mineral" within the limits of the grant, not otherwise appropriated